THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1229 of 2007

Dated: 23.01.2007

Between:

Smt. Kodapa Gandhari and others.

..... PETITIONERS

AND

The District Collector, Adilabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.1229 of 2007

ORDER:

The three petitioners, who are residents of Kappardevi Village, Talamadugu Mandal, Adilabad District, are allegedly owners of agricultural lands in survey Nos.55/B situated at Kappardevi Sivar, 10/1 and 7/1 situated at Dahegoan Sivar of said Mandal. They are allegedly in possession and cultivating the lands. As alleged by them, in December, 2006, respondents 1 to 4 came to the petitioners' lands and started laying down the road without acquiring the same or without due process of law. They allege that as per their enquiries, they came to know that the respondents sanctioned a new road from Kappardevi to Dahegoan for a length of 2 ½ kilometers but no proceedings are initiated as per Law. They also allege that on 29.12.2006, the respondents came to the lands with heavy equipment and Police. They, therefore, gave representations to the respondents and third respondent issued proceedings dated 30.12.2006 observing that the lands of the petitioners were dug without their consent and the Deputy Executive Engineer (Panchayat Raj), Adilabad, was requested to take necessary action according to Law. Again on 16.01.2007, when the respondents 1 to 4 with the help of fifth respondent started formation work, the petitioners objected the same. Then, the respondents made complaints against the petitioners and Police registered a case, being Crime No.5 of 2007, with local police station under Sections 147, 324, 427 read with Section 149 of the Indian Penal Code, 1860 (IPC) against the petitioners and also registered cases against other villagers under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, they filed instant writ petition seeking a writ of Mandamus declaring the action of the respondents as illegal and arbitrary and for a consequential direction to the respondents not to lay the road.

The matter was initially heard during pre-lunch session. At the request of the learned Assistant Government Pleader for Revenue (General-T), the matter was adjourned. When the matter is again called during afternoon session, the learned Assistant Government Pleader for Revenue (General-T) submits that the allegations made in the affidavit are not true and that there is no proposal to lay the road from Kappardevi to Dahegoan. The learned Assistant Government Pleader for Panchayat Raj and Rural Development also obtained instructions. He submits that fourth respondent or his subordinates never marked the lands for laying the road. Submissions of the learned Government Pleaders are recorded. This Court further observes that if the

petitioners' lands are to be required, it is needless to say that necessary procedure has to be followed.

As the writ petition is filed on a factual foundation, which is not sound, the same is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

23rd January, 2007
ghn